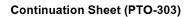
## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/701,154	POLETTO ET AL.	
Examiner	Art Unit	
Elmira Mehrmanesh	2113	

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The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress		
HE REPLY FILED 18 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.					
1.  The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Apple for Continued Examination (RCE) in compliance with 37 Coperiods:	the same day as filing a Notice of A replies: (1) an amendment, affidavit eal (with appeal fee) in compliance	Appeal. To avoid abar t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request		
a) The period for reply expires 3 months from the mailing date of the final rejection.					
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (MONTHS OF THE FINAL REJECTION. See MPEP 706.07)	dvisory Action, or (2) the date set forth in the ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE f).	g date of the final rejection FIRST REPLY WAS FII	on. LED WITHIN TWO		
extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee ave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as et forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, nay reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
NOTICE OF APPEAL		07 (1 50 1 10)			
<ol> <li>The Notice of Appeal was filed on 18 December 2008. A the date of filing the Notice of Appeal (37 CFR 41.37(a)), appeal. Since a Notice of Appeal has been filed, any reply AMENDMENTS</li> </ol>	or any extension thereof (37 CFR 4	1.37(e)), to avoid disr	nissal of the		
3. 🔲 The proposed amendment(s) filed after a final rejection, l	out prior to the date of filing a brief	will not be entered be	cause		
(a) ☐ They raise new issues that would require further col			oddoc		
(b) They raise the issue of new matter (see NOTE belo		/,			
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or					
(d) They present additional claims without canceling a	corresponding number of finally reje	cted claims.			
NOTE: (See 37 CFR 1.116 and 41.33(a)).					
. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).					
<u> </u>					
<ol> <li>Newly proposed or amended claim(s) would be all non-allowable claim(s).</li> </ol>	owable ii subiliilled iii a separale, i	illiely liled allielidillei	it cancelling the		
For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 23-27 and 33-36. Claim(s) objected to:					
Claim(s) rejected: <u>1-3, 5, 7-16, 18-22 and 28-32</u> .					
Claim(s) withdrawn from consideration:					
AFFIDAVIT OR OTHER EVIDENCE					
<ol> <li>The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>					
<ol> <li>The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary</li> </ol>	vercome <u>all</u> rejections under appea	ıl and/or appellant fail:	s to provide a		
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER					
11. The request for reconsideration has been considered bu they raise new issues that would require further conside		condition for allowan	ce because:		
12. Note the attached Information <i>Disclosure Statement</i> (s). 13. Other:					
/Robert W. Beausoliel, Jr./ Supervisory Patent Examiner, Art Unit 2113					



Application No.